

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
LUFKIN DIVISION**

LUNAREYE, INC., §
§
Plaintiff, §
§
v. § Civil Action No. 9:07-CV-114
§
WEBTECH WIRELESS INC., §
§
Defendant. §
§

JOINT MOTION TO DISMISS WITH PREJUDICE

Plaintiff LunarEye, Inc. (“Plaintiff”) and Defendant WebTech Wireless Inc. (“Defendant”) file this Joint Motion to Dismiss with Prejudice. Plaintiff and Defendant to the above-captioned action have settled their claims pursuant to confidential terms. Plaintiff and Defendant respectfully request that the court dismiss all claims filed by each party or which could have been filed by each party with prejudice against filing same. Further, Plaintiff and Defendant further agree to bear their own expenses, costs of court, and attorneys’ fees.

WHEREFORE, PREMISES CONSIDERED, Plaintiff and Defendant respectfully request that the court DISMISS all claims and counterclaims filed by each party WITH PREJUDICE to the refiling of same or any part thereof; order that all costs and fees be borne by the party incurring same, enter the Order of Dismissal filed with this Joint Motion; and deny all other relief not expressly granted in the Order of Dismissal.

Dated: December 23, 2009.

<u>/s/ Armi Easterby</u> E. Armistead "Armi" Easterby Texas Bar No. 00796500 Federal ID: 20598 Williams Bailey Law Firm, L.L.P. 8551 Gulf Freeway, Suite 600 Houston, TX 77017 Telephone: (713) 230-2308 Facsimile: (713) 643-6226 COUNSEL FOR PLAINTIFF LUNAREYE, INC.	<u>/s/ Brett C. Govett</u> Brett C. Govett Texas Bar No. 08235900 Email: bgovett@fulbright.com Kirby B. Drake Texas Bar No. 24036502 Email: kdrake@fulbright.com FULBRIGHT & JAWORSKI L.L.P. 2200 Ross Avenue, Suite 2800 Dallas, Texas 75201-2784 Telephone: (214) 855-8000 Facsimile: (214) 855-8200 COUNSEL FOR DEFENDANT WEBTECH WIRELESS, INC.
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